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7 Attorney for Defendant
8 HD Install Solutions, Inc.

FILED

07 NOV -8 PM 2: 54

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *POC*

DEPUTY

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 BRANDON WALSH dba SO CAL
12 INSTALLS,

13 Plaintiff,

14 vs.

15 HD INSTALL SOLUTIONS, INC., a
16 California corporation; SO CAL
17 INSTALL; ENRIQUE E. SANTOYO, as
18 an individual; BRYAN AYLWARD, as an
19 individual and DOES 1-20 inclusive,

20 Defendants.

CASE NO. **07 CV 2145 H (POR)**

**NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. §1441(b)
(FEDERAL QUESTION)**

21 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

22 PLEASE TAKE NOTICE that defendant HD Install Solutions, Inc. ("Defendant") hereby
23 removes to this Court the state court action described below pursuant to 28 U.S.C. §§1441 and
24 1446 and Federal Rule of Civil Procedure §81(c).

25 1. On October 15, 2007, an action was commenced by the filing of a Complaint in
26 the Superior Court of the State of California in and for the County of San Diego, captioned
27 Brandon Walsh dba So Cal Installs, Plaintiff, vs. HD Install Solutions, Inc., So Cal Install,
28 Enrique E. Santoyo and Bryan Aylward, Defendants, as case number 37-2007000777963-CU-
BT-CTL. Attached hereto as Exhibit A is a true and correct copy of the Complaint.

29 2. Defendant first received a copy of the Complaint on October 19, 2007, when
30 Defendant was served with a copy of the Complaint along with a Summons from the San Diego
Superior Court. Attached hereto as Exhibit B is a true and correct copy of the Summons.

-1-

1 3. This action is a civil action of which this Court has original jurisdiction under 28
2 U.S.C. §1331, and is one which may be removed to this Court by Defendants pursuant to the
3 provisions of 28 U.S.C. § 1441(b) in that it arises under United States Copyright Law, Title 17
4 U.S. Code.

5 4. This action is a civil action of which this Court has original jurisdiction under 28
6 U.S.C. §1331, and is one which may be removed to this Court by Defendants pursuant to the
7 provisions of 28 U.S.C. § 1441(b) in that it arises under the Federal Trademark Dilution Act, Title
8 15 U.S. Code.

9 5. This action is a civil action of which this Court has original jurisdiction under 28
10 U.S.C. §1331, and is one which may be removed to this Court by Defendants pursuant to the
11 provisions of 28 U.S.C. § 1441(b) in that it arises under the United States Lanham Act, Title 15
12 U.S. Code.

13 6. Defendant respectfully requests, pursuant to 28 U.S.C. § 1367 that the Court
14 exercise its supplemental jurisdiction over all other claims in Plaintiff's complaint which together
15 form part of the same case and controversy.

16 7. Defendants Enrique E. Santoyo and Bryan Aylward have not joined in this Notice
17 of Removal, because they have not yet been served.

18 8. Defendant So Cal Install has not joined in this Notice of Removal, because this is
19 an entity that does not exist. Plaintiff has named So Cal Install as a defendant based on the
20 alleged use by Defendant HD Install Solutions, Inc. of the domain name "socalinstall.com";
21 however, So Cal Install does not exist as a recognized entity and is therefore unable to join in this
22 Notice of Removal.

23 9. Contemporaneous with this Notice of Removal, Defendant has filed a Notice to
24 Adverse Party of Removal to Federal Court with the San Diego County Superior Court. Attached
25 hereto as Exhibit C is a true and correct copy of the Notice to Adverse Party of Removal to
26 Federal Court and the proof of service filed with the San Diego County Superior Court.

27

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1 Dated: November 8, 2007

2 IP LEGAL ADVISORS, P.C.

3 

4 _____
5 JOHN KIM
6 Attorney for Defendant
7 HD Install Solutions, Inc.
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FILED
CIVIL SUPERIOR COURT
2007 OCT 15 P 3:53
SAN DIEGO COUNTY

TODD C. ATKINS (State Bar No. 208879)
ATKINS & DAVIDSON
450 B Street, Suite 1430
San Diego, CA 92101
Telephone: (619) 231-4725
Facsimile: (619) 231-4984

Attorneys for Plaintiff
BRANDON WALSH dba SO CAL INSTALLS

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

BRANDON WALSH dba SO CAL INSTALLS,

Plaintiff,

v.

HD INSTALL SOLUTIONS, INC., a California
corporation; SO CAL INSTALL; ENRIQUE E.
SANTOYO, as an individual; BRYAN
AYLWARD, as an individual and DOES 1-20,
inclusive,

Defendants.

Case No.: 37-2007-00077963-CU-BT-CTL

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

1. Misappropriation of Likeness and Violation of Rights of Publicity;
2. Copyright Infringement/Trademark Infringement;
3. Intentional Tortious Interference With Prospective Business Relationships;
4. Dilution Of Trademark;
5. Violation of the California Unfair Business Practices Act; and
6. Common Law Unfair Competition And California Unfair Competition .

DEMAND FOR JURY TRIAL

Plaintiff BRANDON WALSH dba SO CAL INSTALLS (hereinafter referred to as "Plaintiff") complains against Defendants HD INSTALL SOLUTIONS, INC.; SO CAL INSTALL; ENRIQUE E. SANTOYO; BRYAN AYLWARD and DOES 1-20, inclusive, (collectively "Defendants") as follows:

COPY

JURISDICTION AND VENUE

1
2 1. This Court has jurisdiction over this matter because a substantial part of the events
3 and/or omissions giving rise to the claims asserted herein occurred in the County of San Diego, State
4 of California.

5 2. Venue is appropriate in this matter because Defendants HD INSTALL SOLUTIONS,
6 INC. and ENRIQUE E. SANTOYO reside in the County of San Diego, State of California.

THE PARTIES

7
8 3. Plaintiff is, and at all times mentioned herein was, an individual residing in San Diego,
9 California doing business as So Cal Installs.

10 4. Plaintiff is informed and believes, and on the basis of such information and belief,
11 alleges that Defendant, HD INSTALL SOLUTIONS, INC., is, and at all times mentioned herein was,
12 a corporation, organized and existing under the laws of the State of California and doing business in
13 the State of California.

14 5. Plaintiff is informed and believes, and on the basis of such information and belief,
15 alleges that Defendant, SO CAL INSTALL, is, and at all times mentioned herein was, a company of
16 unknown form doing business in the State of California.

17 6. Defendant, ENRIQUE E. SANTOYO, is, and at all times mentioned herein was, an
18 individual residing in the City of San Diego, in the State of California.

19 7. Defendant, BRYAN AYLWARD, is, and at all times mentioned herein was, an
20 individual residing in the State of California.

21 8. Plaintiff does not know the true names or legal capacities of the defendants sued
22 herein as DOES 1-20, inclusive, and therefore sue said defendants by such fictitious names.

23 9. Plaintiff is informed and believes, and thereon alleges, that each of the defendants
24 designated herein as DOE is legally responsible in some manner for the matters herein alleged, and is
25 legally responsible in some manner of causing the injuries to Plaintiff as hereinafter alleged.

26 10. At all times mentioned in this complaint, unless otherwise alleged, each defendant was
27 the agent, partner, or employee of every other defendant, and in doing the acts alleged in this
28

1 complaint, was acting within the course, scope, and authority of that agency, partnership, or
2 employment, and with the knowledge and consent of each of the other defendants.

3
4 GENERAL ALLEGATIONS

5 11. Plaintiff incorporates by reference and realleges paragraphs 1 through 9 as though
6 fully set forth herein.

7 12. In or about April 2007, Plaintiff started the company So Cal Installs for the purpose of
8 installing television systems. On May 3, 2007, Plaintiff registered the "DBA" of "So Cal Installs"
9 with the County of San Diego.

10 13. In or about May 2007, Plaintiff created the web-site for So Cal Installs with an internet
11 address of socalinstalls.com.

12 14. On or about June 29, 2007, Defendants started the company So Cal Install for the
13 purpose of installing television systems. On information and belief, Defendants knew that Plaintiff
14 has already started a company named "So Cal Installs" and Defendants intentionally came up with an
15 extremely similar name in order to attempt to deceive the public.

16 15. On or about June 29, 2007, Defendants created the web-site for So Cal Install with an
17 internet address of socalinstall.com. Defendants' website blatantly copied text from Plaintiff's
18 website. Several sections of Defendants' website including the 'description of services offered'
19 portion copied Plaintiff's web-site word for word.

20 16. In or about September 2007, Defendants started a new company named HD Install
21 Solutions, Inc. HD Install Solutions, Inc.'s we-site is linked to the socalinstall.com web-site. HD
22 Install Solutions, Inc. also is using text from Plaintiff's web-site to sell product through Craig's List,
23 a classified ads web-site.

24 17. On information and belief, Defendants have also used word for word copying of
25 Plaintiff's website in other advertisements for services on Craig's List and other internet websites.

FIRST CAUSE OF ACTION

Misappropriation of Likeness and Violation of Rights of Publicity

(Against all Defendants)

18. Plaintiff incorporates by reference and realleges paragraphs 1 through 17 as though fully set forth herein.

19. Defendants knowingly and intentionally copied the contents of Plaintiff's web-site, and are using it, or portions of it, in a commercial setting.

20. Plaintiff's company and web-site existed prior to Defendant's development of their web-site.

21. Defendants' sole purpose of exploiting Plaintiff's advertisements was for financial gain associated with the sale of their television installment company.

22. At no time prior to the development or distribution of Defendants' website did Plaintiff provide authorization for Defendants to use its website contents.

23. At no time after the development or distribution of Defendants' website did Plaintiff provide Defendants authorization to use its website contents.

24. As a direct result of Defendants misappropriation of Plaintiff's website contents under Civil Code §3344, Plaintiff has incurred actual damages according to proof at time of trial.

25. Additionally, as a direct result of Defendants' misappropriation of Plaintiff's web-site contents, Defendants have obtained gross revenues and/or profits according to proof at time of trial.

26. Additionally, the above-mentioned acts by Defendants constitute despicable and deliberate conduct and were undertaken with fraud, oppression and malice towards Plaintiff, as these terms are defined in California Civil Code §3294 and therefore entitle Plaintiff to punitive damages according to proof.

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SECOND CAUSE OF ACTION

Copyright Infringement/Trademark Infringement

(Alleged Against All Defendants)

27. Plaintiff incorporates by reference and realleges paragraphs 1 through 26 as though fully set forth herein.

28. At all relevant times Plaintiff owned copyrights to all information created by it between the years 2006 through 2007. All such works were and are original authorships. As such Plaintiff was and is the legal and beneficial holder of trademark and copyright interests in all such materials. Therefore, at all relevant times Plaintiff alleges that it was the legal and beneficial holder of trademark interests and copyright interests in all relevant materials.

29. Defendants, and each of them, have engaged in repeated violations of Plaintiff's copyright and trademark interests by engaging in the acts of publicly displaying, broadcasting and otherwise exhibiting materials wherein Plaintiff holds a copyright and trademark interest. Defendants' violations include but are not limited to reproduction of Plaintiff's copyrighted and trademarked materials for commercial sale through the Internet and other formats. Said conduct was done without the express or implied permission, license or authorization of Plaintiff and has infringed on Plaintiff's exclusive right to publicly exhibit, display, broadcast or otherwise exhibit Plaintiff's materials.

30. In addition to the unauthorized reproduction of Plaintiff's copyrighted and trademarked materials by Defendants, and each of them, Defendants have further infringed on Plaintiff's rights by engaging in specific acts of duplicating Plaintiff's materials without providing proper credit to Plaintiff. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them, have engaged and are engaging in numerous other similar misattributions of credit.

31. Defendants' conduct is an express violation of relevant provisions of California State law, including but not limited to *California Civil Code* §§3344 et seq.; *Business & Professions* § 14320 et seq.

32. At all relevant times the infringement of Plaintiff's copyrights and trademark rights was done willfully, knowingly and intentionally by Defendants, and each of them.

1 33. As required pursuant to *Code of Civil Procedure* §429.30(b) Plaintiff has readily
2 available all relevant materials whose copyright Defendants have allegedly violated. However, due to
3 the bulk of said materials it is impracticable for Plaintiff to attach the materials to Plaintiffs
4 Complaint. However, said materials are available for inspection by the Court and all parties upon
5 request in full compliance with the requirements of *Code of Civil Procedure* §429.30(b).

6 34. As a direct result of Defendants' wrongful conduct, as alleged herein, there is now due
7 and owing from Defendants, and each of them, the full amount of Plaintiff's losses, subject to proof
8 at trial, and legal interest on the principal amount for the period commencing in or about June 2007
9 and continuing up through the present time.

10 35. As a further direct result of the Defendants' wrongful conduct, as alleged herein,
11 Plaintiff has been without the use of such funds. The reasonable and foreseeable monetary damage
12 resulting from such loss of use is presently not fully ascertained, but subject to proof at trial.

13 36. As a further direct and proximate result of the wrongful conduct of Defendants, and
14 each of them, as alleged herein. Plaintiff has incurred costs and expenses for prosecution of the
15 present action, expert witness fees, attorney fees, and costs and expenses in prosecuting the present
16 action, all in an amount not yet fully ascertained, but to be shown according to proof at trial.

17 37. The intentional, callous, willful, wanton and oppressive acts of defendants, as set forth
18 herein-above, are sufficient to warrant the imposition of punitive and exemplary damages against
19 defendants in an amount sufficient to punish and make an example of them. The exact amount of
20 such damages are presently unknown to Plaintiffs, but will be subject to proof at trial.

21 22 THIRD CAUSE OF ACTION

23 **Intentional Tortious Interference With Prospective Business Relationships**

24 **(Alleged Against All Defendants)**

25 38. Plaintiff incorporates by reference and realleges paragraphs 1 through 37 as though
26 fully set forth herein.

1 39. At all times material hereto, Defendants have been and are aware of Plaintiff's
2 business relationship and reasonable expectations regarding prospective economic advantage at So
3 Cal Installs.

4 40. Despite knowing of the existing business relationship, Defendants, and each of them,
5 intentionally interfered with Plaintiff's business by wrongfully, and without authorization, copying
6 Plaintiff's web-site and utilizing a very similar company name so as to confuse the public.

7 41. Through Defendants actions, Defendants have intentionally sought to interfere with
8 Plaintiff's reasonable expectations and prospective economic advantage, and knew that such
9 interference was and is substantially certain to occur.

10 42. Defendants' interference with Plaintiff's prospective economic advantage is neither
11 justified nor privileged.

12 43. As a result of Defendants' actions, Plaintiff has suffered and will continue to suffer
13 interference with prospective economic advantage including, without limitation, expenses he had
14 reasonably expected not to incur from additional claims, investigation and settlement costs. These
15 damages are in excess of the jurisdictional requirements of this Court, according to proof at trial.
16 Defendants' conduct is characterized by fraud, oppression and/or malice which entitles Plaintiff to an
17 award of exemplary damages against Defendants.

18 44. As a result of the intentional conduct of Defendants, and each of them, Plaintiff has
19 been forced to expend additional time and effort in an attempt to recover money owed from
20 Defendants. As a further direct and proximate result of the aforementioned wrongful conduct,
21 Plaintiff has incurred costs and expenses for prosecution of the present action, expert witness fees and
22 attorney fees all in an amount not yet fully ascertained, but to be shown according to proof at trial.

23 45. The intentional, callous, willful, wanton and oppressive acts of defendants, as set forth
24 herein-above, are sufficient to warrant the imposition of punitive and exemplary damages against
25 defendants in an amount sufficient to punish and make an example of them. The exact amount of
26 such damages are presently unknown to Plaintiff, but will be subject to proof at trial.

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28

Atkins & Davidson
450 B Street, Suite 1430, San Diego, CA 92101

FOURTH CAUSE OF ACTION

Dilution Of Trademark

(As Against All Defendants)

46. Plaintiff incorporates by reference and realleges paragraphs 1 through 45 as though fully set forth herein.

47. Plaintiff adopted the mark So Cal Installs and used it continuously in commerce for sale of services pertaining to television installation.

48. Continuously since on or about April 2007, Plaintiff has used the mark So Cal Installs to identify its service and to distinguish them from those made and sold by others, by, among, other things, prominently displaying the mark So Cal Installs on their website associated therewith.

49. Defendant has diluted the distinctive quality of Plaintiff's mark by various acts, including the association of Plaintiff's mark with Defendant's services. Said use of said names and marks by Defendants is without permission or authority of Plaintiff and said use by Defendants is likely to dilute the distinctive quality and effectiveness of Plaintiff's mark.

50. Since on or about April 2007, Plaintiff has given notice that it is the mark owner.

51. Said acts of Defendant constitute dilution of Plaintiff's rights in said mark.

52. Defendant threatens to continue to do the acts complained of herein, and unless restrained and enjoined, will continue to do so, all to Plaintiff's irreparable damage. It would be difficult to ascertain the amount of compensation which could afford Plaintiff adequate relief for such continuing acts, and a multiplicity of judicial proceedings would be required. Plaintiff's remedy at law is not adequate to compensate it for injuries threatened.

FIFTH CAUSE OF ACTION

Violation of the California Unfair Business Practices Act

(Against all Defendants)

53. Plaintiff incorporates by reference and realleges paragraphs 1 through 52 as though fully set forth herein.

1 54. Defendants' acts and practices as detailed above constitute acts of unfair competition.
2 As stated herein, Defendants have engaged in unlawful and fraudulent business acts and/or practices
3 within the meaning of *California Business & Professions Code* §17200 *et seq.*

4 55. Defendants have engaged in the following unlawful or fraudulent acts: (1)
5 Misrepresenting to consumers the identities and sources of set-up and television installation; (2)
6 Misappropriations of web-site likenesses for the purpose of financial gains; and (3) Copyright
7 infringement.

8 56. By engaging in the above-described conduct. Defendants have engaged in unfair,
9 fraudulent and unlawful business practices. Such tactics harm consumers directly by misrepresenting
10 the company name and contents of the web-site or their equivalent.

11 57. As a direct result of the above-mentioned acts, Plaintiff has been, and continues to be
12 harmed.

13 58. Plaintiff alleges under information and belief that the above mentioned business
14 practices have been ongoing for the past six months and will continue if Defendants are not enjoined.

15 59. Pursuant to *California Business Professions Code* §17203, Plaintiff, seeks an order of
16 this Court prohibiting Defendants from continuing to engage in the unlawful, unfair or fraudulent
17 business acts or practices set forth in this Complaint and from failing to fully disclose the true facts as
18 set forth herein. Plaintiff also requests an order from the Court requiring that Defendants provide
19 complete equitable monetary relief so as to require Defendants to surrender all monies obtained
20 through its acts of unfair competition, including all monies earned as a result of such acts and
21 practices in order to prevent Defendants from benefiting from the practices that constitute unfair
22 competition. Plaintiff also requests the court to impose an asset freeze or constructive trusts over such
23 monies.

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SIXTH CAUSE OF ACTION

Common Law Unfair Competition And California Unfair Competition ["Palming Off"]

(As Against All Defendants)

60. Plaintiff incorporates by reference and realleges paragraphs 1 through 59 as though fully set forth herein.

61. Plaintiff adopted the mark So Cal Installs and used it continuously in commerce for services. In September 2007, Plaintiff filed an application for registration of said mark in the State of California covering the use of said mark on television installation services.

62. Plaintiff is informed and believes, and on that basis alleges, that Defendants' conduct was unlawful, unfair and/or fraudulent and has the potential to cause confusion in the marketplace.

63. As a direct and proximate result of Defendants' conduct, Plaintiff has, and will continue to suffer damages to its business, reputation and goodwill, in an amount to be established at trial.

64. Defendants' conduct constitutes unfair competition and deceptive practices under *California Business & Professional Code* §§ 17200 *et seq.* and 17500 *et seq.*

65. Defendants' conduct, as alleged above, namely use of said information to benefit Defendants' competitive services, constitutes unfair competition under California common law.

66. As a direct and proximate result of Defendants' conduct, Plaintiff has, and will continue to suffer damages to its business, reputation and goodwill, and to lose sales and profits that it would have made but for Defendants' conduct, in an amount to be established at trial. In addition, Defendants' conduct, unless enjoined and restrained, has, and will continue to cause irreparable harm to plaintiff's reputation and goodwill, for which Plaintiff has no adequate remedy at law.

67. Plaintiff is informed and believes, and on that basis alleges, that Defendants' acts as described above were done with oppression, fraud and malice, entitling Plaintiff to an award of punitive damages, in an amount to be established at trial.

Atkins & Davidson
450 B Street, Suite 1430, San Diego, CA 92101

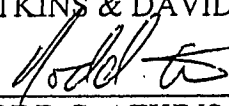
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

1. That the Defendants, their officers, agents, employees, representatives, shareholders, affiliates and all persons acting or claiming to act on their behalf, be preliminarily and permanently enjoined and restrained from engaging in unfair competition with Plaintiff;
2. For an award of compensatory damages, according to proof;
3. For punitive damages;
4. For pre-judgment interest;
5. For attorney's fees and costs associated with this action; and
6. For general and special damages in accordance with proof;
7. For interest on the amount of damages at the legal rate from the date each item of damage was incurred;
8. For costs of suit herein incurred; and
9. For such other and further relief as this Court may deem just.

DATED: October 11, 2007

ATKINS & DAVIDSON

By: 
TODD C. ATKINS
Attorney for Plaintiff

Atkins & Davidson
450 B Street, Suite 1430, San Diego, CA 92101

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

HD INSTALL SOLUTIONS, INC., a California corporation; SO CAL
INSTALL; ENRIQUE E. SANTOYO, as an individual; BRYAN
AYLWARD, as an individual and DOES 1-20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
BRANDON WALSH dba SO CAL INSTALLS

FILED SUM-100
CIVIL JUSTICE FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

2007 OCT 15 P 3:53

CLERK OF SUPERIOR COURT
SAN DIEGO

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Diego Superior Court, 330 W. Broadway, San Diego, 92101

CASE NUMBER:
(Número del Caso) 07-2007-00077963-CU-BT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Todd Atkins, 450 B Street, Suite 1430, San Diego, CA 92101, 619-255-2380

A. GUTIERREZ

DATE:
(Fecha) OCT 15 2007

Clerk, by _____, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

(SEAL)

HD Install Solutions, Inc., A California Corporation

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Todd C. Atkins, SBN 208879 Atkins & Davidson 450 B Street, Suite 1430 San Diego, CA 92101 TELEPHONE NO.: 619-255-2380 FAX NO.: 619-231-4984		FOR COURT USE ONLY CIVIL BUSINESS OFFICE 5 2007 OCT 15 P 3:53 CLERK SUPERIOR COURT SAN DIEGO, CA
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		CASE NUMBER: 37-2007-00077963-CU-BT-CTL JUDGE: DEPT:
CASE NAME: Brandon Walsh v. HD Install Solutions, Inc. et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 11, 2007

Todd C. Atkins

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

COPY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2007-00077963-CU-BT-CTL CASE TITLE: Walsh vs. HD Install Solutions Inc

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central PLAINTIFF(S): Brandon Walsh DEFENDANT(S): HD Install Solutions Inc et.al. SHORT TITLE: WALSH VS. HD INSTALL SOLUTIONS INC STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)	FOR COURT USE ONLY CASE NUMBER: 37-2007-00077963-CU-BT-CTL
---	---

Judge: William R. Nevitt, Jr.

Department: C-64

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- | | |
|---|---|
| <input type="checkbox"/> Court-Referred Mediation Program | <input type="checkbox"/> Court-Ordered Nonbinding Arbitration |
| <input type="checkbox"/> Private Neutral Evaluation | <input type="checkbox"/> Court-Ordered Binding Arbitration (Stipulated) |
| <input type="checkbox"/> Private Mini-Trial | <input type="checkbox"/> Private Reference to General Referee |
| <input type="checkbox"/> Private Summary Jury Trial | <input type="checkbox"/> Private Reference to Judge |
| <input type="checkbox"/> Private Settlement Conference with Private Neutral | <input type="checkbox"/> Private Binding Arbitration |
| <input type="checkbox"/> Other (specify): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 10/15/2007

JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE: San Diego, CA 92101	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 685-6028	
PLAINTIFF(S) / PETITIONER(S): Brandon Walsh	
DEFENDANT(S) / RESPONDENT(S): HD Install Solutions Inc et.al.	
WALSH VS. HD INSTALL SOLUTIONS INC	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2007-00077963-CU-BT-CTL

Judge: William R. Nevitt, Jr.

Department: C-64

COMPLAINT/PETITION FILED: 10/15/2007

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

1 JOHN M. KIM (Bar No. 188997)
IP LEGAL ADVISORS, PC
2 1940 Garnet Avenue, Suite 230
San Diego, CA 92109
3 Telephone: (858) 272-0227
Facsimile: (858) 272-0221
4

5 Attorney for Defendant
HD Install Solutions, Inc.
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SAN DIEGO

9 BRANDON WALSH dba SO CAL
INSTALLS,

10 Plaintiff,

11 vs.

12 HD INSTALL SOLUTIONS, INC., a
13 California corporation; SO CAL
INSTALL; ENRIQUE E. SANTOYO, as in
14 individual, BRYAN AYLWARD, as an
individual and DOES 1-20 inclusive,

15 Defendants.

CASE NO. 37-2007-00077963-CU-BT-CTL

**NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT**

Action filed: October 15, 2007

16 TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

17 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the
18 United States District Court for the Southern District of California on November 8, 2007.

19 A copy of the Notice of Removal is attached to this Notice and served and filed herewith.

20 DATED: November 8, 2007

21
22 IP LEGAL ADVISORS, P.C.

23
24 
JOHN KIM

25 Attorney for Defendant
26 HD Install Solutions, Inc.
27
28

1 JOHN M. KIM (Bar No. 188997)
IP LEGAL ADVISORS, PC
2 1940 Garnet Avenue, Suite 230
San Diego, CA 92109
3 Telephone: (858) 272-0227
Facsimile: (858) 272-0221

4 Attorney for Defendant
5 HD Install Solutions, Inc.

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SAN DIEGO

9 BRANDON WALSH dba SO CAL
INSTALLS,

10 Plaintiff,

11 vs.

12 HD INSTALL SOLUTIONS, INC., a
13 California corporation; SO CAL
INSTALL; ENRIQUE E. SANTOYO, as
14 an individual; BRYAN AYLWARD, as an
individual and DOES 1-20 inclusive,

15 Defendants.

CASE NO. 37-2007-00077963-CU-BT-CTL

**CERTIFICATE OF SERVICE OF NOTICE
TO ADVERSE PARTY OF REMOVAL TO
FEDERAL COURT**

16
17 I, Patti Windham, certify and declare as follows:

18 I am over the age of 18 years and not a party to this action.

19 My business address is 1940 Garnet Avenue, Suite 230, which is located in the city,
20 county and state where the mailing described below took place.

21 On November 8, 2007, I deposited in the United States Mail at my business address a
22 copy of the following documents:

- 23 1. Notice to Adverse Party of Removal to Federal Court
24 2. Notice of Removal of Action

25 to the following person:

26 Todd Atkins, Esq.
Atkins & Davidson
27 450 B Street, Suite 1430
San Diego, California 92101
28

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on November 8, 2007

3

4

A handwritten signature in black ink, appearing to read "Patti Windham", is written over a horizontal line.

5

Patti Windham

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PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1940 Garnet Avenue, Suite 230, San Diego, California 92109.

I hereby certify that on November 8, 2007, I served a **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) (FEDERAL QUESTION)** on the following participants by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Todd Atkins, Esq.
Atkins & Davidson
450 B Street, Suite 1430
San Diego, California 92101

Attorneys for Plaintiff
Brandon Walsh dba SO CAL INSTALLS

X (By Mail): As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after deposit for mailing affidavit.

X (Federal): I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON November 8, 2007 at San Diego, California



Patti Windham

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BRANDON WALSH dba SO CAL INSTALLS

(b) County of Residence of First Listed Plaintiff

San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Todd C. Atkins, 450 B Street, Suite 1430, San Diego, CA 92101

DEFENDANTS

HD INSTALL SOLUTIONS, INC., SO CAL INSTALL, ENRIQUE E. SANTOYO, BRYAN AYLWARD

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

John M. Kim, 1940 Garnet Avenue, Suite 230, San Diego, CA 92109

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 17 U.S. Code; Title 15 U.S. Code
Brief description of cause:
Federal Copyright infringement and Federal Trademark infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/08/2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**# 144324 - SR
* * C O P Y * *
November 08, 2007
14:57:39**

Civ Fil Non-Pris
USAO #: 07CV2145 CIV. FIL.
Judge.: MARILYN L HUFF
Amount.: \$350.00 CK
Check#: BC#2053

Total-> \$350.00

**FROM: WALSH V. HD INSTALL SOLUTIONS,
ET AL
CIVIL FILING**